

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

COCN No.3582 of 2014

Date of decision:20.01.2015

Hardial Singh

... Petitioner

Vs.

Bachan Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. A.S. Khinda, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA, J.

The instant contempt petition has been filed alleging willful disobedience of an order dated 06.09.2000 passed by the District Judge, Kapurthala at Annexure P-1.

Counsel for the petitioner has been heard at length.

Brief facts are that the present petitioner instituted a suit for possession and which was dismissed by the trial Court on 29.10.1993. The appeal preferred before the 1st Appellate Court was dismissed in view of the statement of the parties which reflected a compromise having been effected.

Counsel would argue that the respondent/contemner is now not abiding by the terms and conditions of the compromise and on the strength of which the appeal had been dismissed by the District Judge, Kapurthala on 06.09.2000 and such conduct amounts to contempt.

Pleadings on record would show that the petitioner had

preferred an application under Order 21 Rule 32 CPC seeking execution of the order dated 06.09.2000 and the same was dismissed by the Additional Civil Judge (Senior Division), Sultanpur Lodhi on 11.10.2006 (Annexure P-2) and against such order, even Civil Appeal No.306 of 22.11.2006 was filed and the same was also rejected on 29.01.2010 by the Additional District Judge, Kapurthala.

There is inordinate and unexplained delay on the part of the petitioner in having filed the instant contempt petition. Even if any rights had accrued to the petitioner in the light of a compromise that was effected between the parties and in pursuance to which the appeal filed by the petitioner has been dismissed by the District Judge, Kapurthala on 06.09.2000, the petitioner has been sleeping over his rights.

The contempt Court would not incline to intervene in such matters, whereby the rights of the parties are not agitated expeditiously.

The contempt petition is, accordingly, dismissed.

20.01.2015*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**